

Filed for intro on 02/22/95  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_

House No. HB1515  
By Kisber

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3,  
Part 20 and Title 65, Chapter 15, relative to public service  
commission enforcement officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 20, is  
amended by adding the following as a new section:

The department of safety shall have exclusive authority for the field  
enforcement of the provisions of Tennessee Code Annotated, Title 65,  
Chapter 15, and related rules promulgated by the public service  
commission. The commissioner of safety shall provide the public service  
commission with information obtained through the inspection of vehicles,  
and investigations made by field enforcement officers as may be required  
by the commission in the performance of its duty to license, supervise and  
regulate motor carriers in this state. The information shall be submitted to  
the commission in the form of written reports and, where applicable,  
appropriate supporting documentation.

SECTION 2. Tennessee Code Annotated, Section 65-15-101, is amended by inserting after the words "and making it the duty of such commission", the following:

with the support and assistance of the field enforcement services of  
the department of safety

SECTION 3. Tennessee Code Annotated, Section 65-15-103 (13) and (14) are amended by deleting the words "public service commission may inspect such vehicles for purpose of safety" wherever they appear and by substituting instead in each instance the following words, "department of safety may inspect such vehicles for purpose of safety".

SECTION 4. Tennessee Code Annotated, Section 65-15-103 (9) and (10), are amended by deleting the words "that the public service commission is empowered" and by substituting instead the words "that the department of safety is empowered".

SECTION 5. Tennessee Code Annotated, Section 65-15-103 (9) and (10) are further amended by deleting the words "public service commission may inspect such motor vehicles for purpose of safety" and by substituting instead the words "department of safety may inspect such motor vehicles for purpose of safety".

SECTION 6. Tennessee Code Annotated, Section 65-15-106(b)(1), is amended by deleting the word "commission" wherever it appears in the first line of the subdivision and by substituting instead the words "commissioner of safety".

SECTION 7. Tennessee Code Annotated, Section 65-15-106(c), is amended by deleting the subsection in its entirety and by redesignating the subsequent subsections accordingly.

SECTION 8. Tennessee Code Annotated, Section 65-15-113(b), is amended by deleting the language "commission may inspect" and by substituting instead the words "department of safety may inspect".

SECTION 9. Tennessee Code Annotated, Section 65-15-116, is amended by deleting the word "commission" wherever it appears and by substituting instead the words "department of safety".

SECTION 10. Tennessee Code Annotated, Section 65-15-117(a)(2) is amended by deleting the words "but not otherwise" and by substituting instead the following:

other than that portion of funds paid into the account pursuant to the provisions of Section 65-15-116,

SECTION 11. Tennessee Code Annotated, Section 65-15-126, is amended by deleting the words "public service commission" and "commission" wherever they appear and by substituting instead the words "department of safety" and "commissioner" respectively.

SECTION 12. Tennessee Code Annotated, Section 65-15-127(d), is amended by deleting the words "public service commission" and by substituting instead the words "department of safety".

SECTION 13. Tennessee Code Annotated, Section 65-15-201, is amended by deleting the words "commission enforcement officers" in the first sentence of the section and by substituting instead the words "department of safety enforcement officers".

SECTION 14. Tennessee Code Annotated, Section 65-15-201, is further amended by deleting the word "commission" in the fifth sentence of the section and by substituting instead the words "department of safety".

SECTION 15. Tennessee Code Annotated, Section 65-15-201, is further amended by deleting the word "commission" in the last sentence of the section and by substituting instead the words "department of safety".

SECTION 16. Tennessee Code Annotated, Section 65-15-202, is amended by deleting the words "In enforcing its jurisdiction under this part, the commission" and by substituting instead the words "In enforcing the commission's jurisdiction under this part, the department of safety".

SECTION 17. On the effective date of this act, all enforcement personnel or positions, personal property and equipment used by the public service commission under Section 65-15-106(b), will be transferred to the department of safety and, all funds found in the "motor vehicle account" from the payment of the inspection, control and supervision fee required under Section 65-15-116 will be allocated to the department of safety for use in defraying the expenses incurred in the discharge of the field enforcement service required by law. The commissioner of safety is authorized to promulgate a three (3) year plan to integrate former public service commission personnel and equipment with department of safety personnel and equipment.

SECTION 18. All contracts or leases entered into prior to the effective date of this act by the public service commission relative to enforcement and inspection programs pursuant to Tennessee Code Annotated, Sections 65-15-113 and 65-15-116, with any entity, corporation, agency, enterprise or person shall continue in full force and effect as to all essential provisions in accordance with the terms and conditions of the contract in existence on the day before the effective date of this act, to the same extent as if such contracts had originally been entered into by and between such entity, corporation, agency, enterprise or person and the department

of safety, unless and until such contracts or leases are amended or modified by the parties.

SECTION 19. The commissioner of safety is authorized to promulgate rules and regulations under the Uniform Administrative Procedures Act to implement the provisions of this act.

SECTION 20. This act shall take effect on October 1, 1995, the public welfare requiring it.